REMARKS

Claims 1-24 are pending in the present application. By this Response, independent claims 1, 15 and 23 are amended to recite the feature of setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices. Claims 2, 16 and 24 are amended for clarity in view of the amendments to claims 1, 15 and 23. Support for the newly added features of claims 1, 15 and 23 can be found at least on page 13, lines 5-15, page 14, line 32 – page 15, line 4 and page 16, line 19 – page 18, line 15 of the present specification. Reconsideration of the claims is respectfully requested in view of the claim amendments and the remarks set forth below.

I.   **35 U.S.C. § 103, Alleged Obviousness of Claims 1, 3-8, 10-12, 14, 15, 17, 18, 20, 22 and 23**

The Office Action rejects claims 1, 3-8, 10-12, 14, 15, 17, 18, 20, 22 and 23 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Makipaa et al. (U.S. Patent No. 6,394,341) in view of Smith et al. (U.S. Patent No. 6,487,540). This rejection is respectfully traversed.

With regard to the rejection of claims 1, 15 and 23, the Office Action states:

> Regarding claims 1, 15 and 23, Makipaa teaches managing an electronic document within a computer network, the method, computer program product and system comprising:
> creating a customer profile for a user (see column 11, lines 32-36);
> sending the electronic receipt from the point of sale to a database, wherein the database is designated by the customer profile (see column 2, lines 1-21).
> Makipaa teaches electronic receipt (column 1, lines 58-63).
> However, Smith teaches creating an electronic receipt containing information about a transaction executed by the user at a point of sale (see column 3, lines 16-32 and column 4, line 13)
> It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Smith with the

teaching of Makipaa wherein electronic receipts are generated at the point
of sales. The motivation is that electronic receipts comprise itemized
information, which enable the tracking and accounting of purchased items
to be performed automatically.
Office Action dated December 22, 2003, page 3.

Claim 1, which is representative of claims 15 and 23 with regard to similarly
recited subject matter, currently reads as follows:

> 1.   A method for managing an electronic document within a computer
> network, the method comprising:
>   creating a customer profile for a user;
>   setting a user preference in a customer profile, wherein the user
> preference specifies one or more databases, out of a plurality of databases,
> to which an electronic receipt is to be sent from point of sale devices;
>   creating an electronic receipt containing information about a
> transaction executed by the user at a point of sale device; and
>   sending the electronic receipt from the point of sale device to the
> one or more databases specified by the user preference. (emphasis added)

Makipaa is directed to a system for collecting and processing financial data from
a transaction such as the purchase of goods and services. The user authorizes the
transaction with a user device that communicates with a transaction providers system.
Makipaa then generates an electronic receipt containing information regarding the
transaction. A user information system communicates with the transaction provider
and/or the user device and stores the electronic receipt which is received from the user
device or the transaction provider. Alternatively, the electronic receipt may be forwarded
to the user information system through an intermediate service provider such as a bank or
a smart, credit or debit card clearinghouse. The intermediate service provider processes
information relating to the accepted financial transaction transmitted by the transaction
provider to the intermediate service provider.

Thus, Makipaa is concerned with generating an electronic receipt that can be
transferred to a user either directly or through an intermediate service provider. While
Makipaa is generally directed to a system for preparing electronic receipts, there is
nothing in Makipaa that teaches or suggests setting a user preference in a customer
profile, wherein the user preference specifies one or more databases, out of a plurality of

databases, to which an electronic receipt is to be sent from point of sale devices, as recited in claims 1, 15 and 23. In other words, there is nothing in Makipaa that discloses that a user can set a preference in a customer profile that specifies which database or databases the electronic receipt is to be sent to from a point of sale.

To the contrary, while Makipaa discloses sending the electronic receipt either to a user information system, a user device or through an intermediate service provider, Makipaa does not disclose that the electronic receipt is sent to any of the above mentioned locations based on a preference that a user sets in his/her profile. There is nothing that even alludes to a mechanism for deciding whether the electronic receipt will first go to the intermediate service provider. There is nothing in Makipaa that teaches or suggests setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices.

In addition, while Makipaa mentions a user profile, the user profile of Makipaa has nothing to do with setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices. To the contrary, the user profile in Makipaa is not even created by the user, thus, the user does not have the ability to set such a preference. Rather, at column 6, lines 56-58, Makipaa states that "the transaction provider may create profiles of a user of the user device based on types of purchases which are made." Thus, the profile in Makipaa is created by a transaction provider and is used to record types of purchases made by the user. The user profile in Makipaa has nothing to do with specifying databases to store receipts and thus offers further evidence that Makipaa does not teach or suggest setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices.

Furthermore, Smith does not teach or suggest this feature. Smith is directed to a system for the generation, management and transmission of electronic receipts. An electronic receipt is generated by a vendor device at a point-of-sale. When a transaction takes place, an electronic receipt is transmitted from the vendor device to a purchaser

device where the receipt is stored for further processing within the device or for further transmission to other devices and systems. Once the electronic receipt information has been transmitted to the purchaser device, the information derived from the electronic receipt may be processed and manipulated to provide a user with an accounting of each item purchased along with purchase information.

Thus, Smith is merely concerned with the transfer of an electronic receipt to a purchaser's device. Further, while Smith may disclose that a user can store the receipt on multiple devices, the storing to multiple devices is not in response to a user setting a preference in a customer profile. For example, as explained at column 5, line 51 – column 6, line 2 of Smith:

> WVD 20 may communicate electronic receipt information or other information via short range transceiver 24 or via direct cable connection to WPD input/output 12 for direct wireline communications.
>
> WPD 2 may also communicate with secondary computing device 30 which may comprise a variety of devices including, but not limited to, a desktop computer, a mainframe computer, a storage device, a network server, an Internet site and many other computing devices. Secondary computing device 30 may be used for storage and processing of electronic receipt information. When WPD 2 has limited processing ability, limited display capability, limited memory or other limited features, secondary computing device 30 may receive information from WPD 2 for processing, display, storage, conversion or other manipulation or use. Even when WPD 2 does not have limited features, information may be transmitted to secondary computing device 30 for archival storage, redundant file maintenance or any other reason.

Thus, the wireless vendor device (WVD) communicates the electronic receipt information to the wireless purchaser device (WPD). Once the WPD has the electronic receipt information stored, a user can choose to transfer the information from the WPD to a secondary computing device such as a desktop computer. Further, the closest feature to a profile taught in Smith is a "Purchaser ID" that is included in the receipt information. This "Purchaser ID", however, does not have a user set preference that specifies a database to send an electronic receipt. Thus, while the electronic receipt information may be stored to either the WPD or the secondary device, the user does not set preferences in a customer profile to specify which database or databases to send the electronic receipt to from point of sale devices.

In addition, Ogasawara does not teach or suggest setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices. Ogasawara is directed to a system and method for monitoring expiration dates for perishable items. When an item is scanned at a store, the store's computer system accesses a database containing information, such as the expiration date, for the specific item scanned. This information is appended to standard receipt information and either stored on a purchaser's IC card or stored on the store's web server. The purchaser must have a home terminal, preferably located in proximity to the purchaser's refrigerator that can interact with either the purchaser's IC card or the store's web server. Once the purchaser informs the home terminal that new perishable items are to be put into the refrigerator, the home terminal looks to access the electronic receipt containing the expiration dates of the perishable products. If the purchaser uses an IC card, the home terminal will ask the purchaser to insert the IC card. Otherwise, the home terminal will automatically connect to the store's web server and download the receipt.

While Ogasawara may teach creating and downloading an electronic receipt, there is nothing in Ogasawara that even alludes to setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices. To the contrary, although the electronic receipt in Ogasawara may be stored on an IC card or on the store's database, the location of storage is not specified by a user preference in a customer profile. For example, the electronic receipt is generally stored on a customer's IC card by default. If the system is not configured to use an IC card, or the customer does not have an IC card, the electronic receipt can be stored on the store's web server. There is nothing in Ogasawara that even discloses a customer profile, let alone setting a preference in a customer profile that specifies where the receipt is to be sent from a point of sale device.

Thus, neither Makipaa, Smith, nor Ogasawara, either alone or in combination, teach or suggest setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices. While each of the above

mentioned references are directed to generating electronic receipts and sending the electronic receipt to databases or other storage devices, the user in each of the above mentioned references cannot determine which database the electronic receipt is going to be sent to from the point of sale device by setting a user preference in a customer profile.

In view of the above, Applicants respectfully submit that neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests all of the features of independent claims 1, 15 and 23 as required under 35 U.S.C. § 103(a). At least by virtue of their dependency on claims 1, 15 and 23, neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests all of the features of dependent claims 3-8, 10-12, 14, 17-18, 20 and 22. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3-8, 10-12, 14, 15, 17, 18, 20, 22 and 23 under 35 U.S.C. § 103(a).

In addition to the above, neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests all of the features of dependent claim 10. Specifically, neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests that merchants and manufacturers may use the electronic receipts to send product information to customers, wherein the product information comprises at least one of the following: extended warranties, product upgrades, product recalls, product safety updates, identical items available for exchange and alternative and substitute items available for exchange. The Office Action alleges that Smith teaches this feature at column 6, lines 9-19, which reads as follows:

> During use of the systems and methods of embodiments of the present invention an exchange of information 44 takes place between a vendor device such as a WVD 20 and a purchaser device such as a WPD 2 as shown in FIG. 2. This information exchange 44 may comprise multiple transactions and multiple bi-lateral or unilateral data transmissions. In some embodiments, information exchange 44 may comprise credit or debit account identification and authorization as well as identification of vendor and purchaser along with account information. Some or all of information exchange 44 may be encrypted, coded or otherwise manipulated to preserve privacy.

This section merely teaches an exchange of information between a vendor device and a purchaser device necessary to complete a transaction. The information exchanged between the devices may comprise credit or debit account identification and authorization as well as identification of vendor and purchaser along with account information. There is nothing in this section or any other section of Smith that teaches or suggests that merchants and manufacturers may use the electronic receipts to send product information to customers such as extended warranties, product upgrades, product recalls, product safety updates, identical items available for exchange and alternative and substitute items available for exchange. In fact, there is nothing in the entire Smith reference that implies that the electronic receipts are used by merchants and manufacturers to send this type of information to customers. The only thing sent to the customer in Smith is an electronic receipt and nothing regarding any such product information, as recited in claim 10.

II.   35 U.S.C. § 103, Alleged Obviousness of Claims 2, 9, 13, 16, 19, 21 and 24

The Office Action rejects claims 2, 9, 13, 16, 19, 21 and 24 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Makipaa et al. (U.S. Patent No. 6,394,341) in view of Smith et al. (U.S. Patent No. 6,487,540) and in further view of Ogasawara (U.S. Patent No. 6,327,576). This rejection is respectfully traversed for at least the same reasons as set forth above with regard to claims 1, 15 and 23 from which claims 2, 9, 13, 16, 19, 21 and 24 depend.

Specifically, neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests setting a user preference in a customer profile, wherein the user preference specifies one or more databases, out of a plurality of databases, to which an electronic receipt is to be sent from point of sale devices as recited in claims 1, 15 and 23 from which claims 2, 9, 13, 16, 19, 21 and 24 depend.
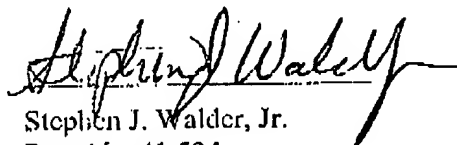
In view of the above, Applicants respectfully submit that neither Makipaa, Smith nor Ogasawara, either alone or in combination, teaches or suggests all of the features of claims 9, 13, 19 and 21 as required under 35 U.S.C. § 103(a). Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 9, 13, 16, 19, 21 and 24 under 35 U.S.C. § 103(a).

III.   Conclusion

It is respectfully urged that the subject application is patentable over Makipaa, Smith and Ogasawara and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: March 22, 2004

Stephen J. Walder, Jr.
Reg. No. 41,534
Carstens, Yee & Cahoon, LLP
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
Attorney for Applicants

SJW/kg